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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/529,480 | 07/25/2000 | Andrew Francis Kirby | 470044.404 | 9654 |

7590

07/02/2002

Seed Intellectual Property Law Group
Suite 6300
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Seattle, WA 98104-7092

EXAMINER

RAJGURU, UMAKANT K

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1711

11

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

OFF 11

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Apr 08, 2012 (paper no 9)
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-65 is/are pending in the application.
- Of the above claim(s) 3-8 and 58-65 is/are withdrawn from consideration.
- ☒ Claim(s) 1 and 2 is/are allowed.
- ☒ Claim(s) 9-57 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 7 & 10
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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1. Two IDS's (Paper Nos. 7 and 10) and an amendment (Paper No. 9) have been filed on January 8, 2002; April 18, 2002 and April 8, 2002 respectively.
2. Claims under examination still are 1, 2 and 9-57.
3. Applicants' confirmation of election of group 2, claims 1, 2 and 9-57 with traverse is noted.
4. Submitted abstract is acceptable. It is however noted that contrary to what the applicants state (on page 38 of above Paper No. 9) there is no page 71 in the specification

- ✓ 5. The amendment filed April 8, 2002 (Paper No. 9) is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows:

New paragraph at page 14, line 4. *(this is elaborated in lines 3-7 of page 4 of OA, paper 13)*

Applicant is required to cancel the new matter in the reply to this Office Action.

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 9, 15, 16, 18, 24-26, 33, 37-41, 46-48, 55 and 57 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that

*withdrawn
May 28, 2003*

*maintained
05.28.2003*

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the inventor(s), at the time the application was filed, had possession of the claimed invention.

Introduction of –finely divided solid – and water soluble – in claims 1, 9 etc. has been shown by applicants to have support from the specification; but (a) changing "cyclopentene" to – ^{cl}cylopentane – in claim 1, (b) introduction of a proviso at end of step (i) in a claim 9, (c) introduction of – or CH₂CO₂H – etc. in claim 15 and (d) similar other changes in remaining claims are presented without pointing the support thereof.

Rejection of claims 15, 16, 24, -27, 29, 32, 46-49, 51, 54 and 55 under 35 USC 112, second paragraph (see item 6, prior Office action, Paper No. 6) is maintained since the applicants' arguments against the said rejection (on page 25 of Paper No. 9) are not persuasive.

Withdrawn
May 28, 2003

Claim 55 as amended recites "a molecular weight" but fails to specify which type of molecular weight is envisioned.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 9-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kataoka et al (JP 5,813,903) in view of Fujita et al (JP 6,236,302)

(See English translations).

maintained
Sep 13, 2002

This rejection is incorporated here by reference from prior Office action, Paper No. 6.

10. Applicant's arguments filed April 8, 2002 (Paper No. 9) have been fully considered but they are not persuasive.

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On page 28 (of Paper No. 9), the applicants state that "As the Examiner has noted, Kataoka does not mention... agrochemical principles". This statement is not true since the examiner has noted that "Kataoka does not mention an insoluble material that is useful for agricultural purposes".

Applicants' other argument (page 29) that there is no motivation to combine references is not persuasive because such motivation is presented (see page 6) in prior Office action (Paper No. 6).

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can generally be reached on Monday--Friday 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703-308-2462. The fax phone numbers

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for the organization where this application is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



U.K. Rajguru/dh
June 28, 2002

James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700